

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Yoshiki KAWAOKA et al.

Application No.: 09/892,769

Confirmation No.: 3442

Filed: June 28, 2001

Art Unit: 3689

For: APPARATUSES AND METHODS FOR USE  
IN PRODUCTION AND DELIVERY OF A  
MEDIUM ON WHICH IMAGES ARE  
RECORDED

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Examiner: G. Araque

**APPEAL BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As required under §41.37(c), this brief is filed within two months of the Notice of Appeal filed in this case on February 4, 2010, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains, under the appropriate headings and in the order indicated, the following items as required by 37 C.F.R. § 41.37(e):

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims

- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed
- VII. Argument
- VIII. Claims Appendix

### **I. REAL PARTY IN INTEREST**

The real party in interest for this appeal is:

FUJIFILM Corporation

### **II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **III. STATUS OF CLAIMS**

Claims 1-29, 31-34, 36-40, 42-49, and 51-57 are twice rejected. No claim has been allowed. Claims 30, 35, 41, and 50 have been cancelled. Claims 1-29, 31-34, 36-40, 42-49, and 51-57 are pending and are being appealed herein. All of these pending claims are shown in the attached appendix. Claims 1, 15, 17, 18, 21, 28, and 31 are independent claims.

### **IV. STATUS OF AMENDMENTS**

There are no amendments subsequent to the Office Action of November 5, 2009, and all prior amendments have been entered.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

#### **A. Claim 1**

Independent claim 1 recites a system comprising:

one or more digital cameras (20) for capturing a plurality of images (Fig. 1; page 9, lines 14-16; page 10, lines 12-15); and

a delivery-medium producing apparatus (10) for automatically recording the plurality of images captured by a plurality of digital cameras (Fig. 1; page 9, lines 22-26; page 12, lines 16-21),

wherein the delivery-medium producing apparatus includes:

a receiving unit (60) configured to receive the plurality of images via wireless communications with the one or more digital cameras (Fig. 1; page 11, lines 10-11),

an image keeping apparatus (170) configured to keep said plurality of images received and recorded by said receiving unit and to create image IDs respectively assigned to said plurality of images (Fig. 1; page 12, lines 16-21; page 13, lines 1-5), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30),

a delivery-medium recording unit (40) configured to record said plurality of images onto one or more recording media (120) (Fig. 1; page 15, lines 9-14) to be delivered to a user in accordance with the user's instruction (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 9), and

an extra-printing request unit (150) configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (Fig. 1; page 18, line 26 to page 19, line 9), the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user (page 17, line 30 to page 18, line 4),

wherein the one or more digital cameras are programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically

transmit the plurality of images to the delivery-medium producing apparatus in response to the determination (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6).

B. Claim 15

Independent claim 15 recites a system comprising:

one or more digital cameras (20) for capturing a plurality of images (Fig. 1; page 9, lines 14-16; page 10, lines 12-15); and

a delivery-medium producing apparatus (10) for automatically recording the plurality of images captured by a plurality of digital cameras (Fig. 1; page 9, lines 22-26; page 12, lines 16-21),

wherein the delivery-medium producing apparatus includes:

a receiving unit (60) configured to receive the plurality of images via wireless communications with the one or more digital cameras (Fig. 1; page 11, lines 10-11),

an image keeping apparatus (170) configured to keep said plurality of images received and recorded by said receiving unit and to create image IDs respectively assigned to said plurality of images (Fig. 1; page 12, lines 16-21; page 13, lines 1-5), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30),

a delivery-medium recording unit (40) configured to record said plurality of images onto one or more recording media (120) (Fig. 1; page 15, lines 9-14) to be delivered to a user in accordance with the user's instruction (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 9),

a keeping-time monitoring unit (200) configured to monitor a keeping time for each of said plurality of images to determine whether or not said keeping time reaches an end of a predetermined keeping term, said keeping time being a time that has passed after said each of

said plurality of images was recorded in said image keeping apparatus (Fig. 1; page 20, line 31 to page 21, line 7),

a keeping-time notifying unit (210) configured to notify, when said keeping time is determined to reach said end of said predetermined keeping term, a corresponding user of said each of said plurality of images that said predetermined term expired (page 21, lines 7-12), and

an extra-printing request unit (150) configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (Fig. 1; page 18, line 26 to page 19, line 9), the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user (page 17, line 30 to page 18, line 4),

wherein the one or more digital cameras are programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6).

C. Claim 17

Claim 17 recites a system comprising:

one or more digital cameras (20) for capturing a plurality of images (Fig. 1; page 9, lines 14-16; page 10, lines 12-15); and

a delivery-medium producing apparatus (10) for automatically recording the plurality of images captured by a plurality of digital cameras (Fig. 1; page 9, lines 22-26; page 12, lines 16-21),

wherein the delivery-medium producing apparatus includes:

a receiving unit (60) configured to receive the plurality of images via wireless communications with the one or more digital cameras (Fig. 1; page 11, lines 10-11),

an image keeping apparatus (170) configured to keep said plurality of images received and recorded by said receiving unit and to create image IDs respectively assigned to said plurality of images (Fig. 1; page 12, lines 16-21; page 13, lines 1-5), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30),

a delivery-medium recording unit (40) configured to record said plurality of images onto one or more recording media (120) (Fig. 1; page 15, lines 9-14) to be delivered to a user in accordance with the user's instruction (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 9),

a payment-mode receiving unit (100) configured to receive an instruction specifying a payment mode from each of one or more users of the one or more digital cameras (Figs. 1 and 4; page 20, lines 7-8),

a payment processing unit (110) operable to indirectly charge each of said one or more users in accordance with said specified payment mode (Figs. 1 and 4; page 20, lines 8-29),  
and

an extra-printing request unit (150) configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (Fig. 1; page 18, line 26 to page 19, line 9), the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user (page 17, line 30 to page 18, line 4),

wherein the one or more digital cameras are programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically

transmit the plurality of images to the delivery-medium producing apparatus in response to the determination (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6).

D. Claim 18

Independent claim 18 recites a computer-readable medium storing thereon a program (page 10, line 26) for use in a digital camera (20) capable of being connected to a mobile phone (30), comprising:

a connection-detecting module operable to detect connection between said digital camera and said phone (page 10, lines 27-29);

a calling module operable to make said mobile phone call a predetermined number after the connection is detected (page 10, lines 29-31);

a transmitting module programmed to automatically determine when an image transmitting condition is met without a user of the digital camera inputting a transmission command and without the digital camera receiving external data indicating that the condition is met, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said mobile phone to an external apparatus for storage in response to the determination (page 9, line 29 to page 10, line 6; page 10, line 31 to page 11, line 6),

wherein the external apparatus (10) is adapted to automatically store said plurality of images captured and transmitted by a plurality of digital cameras and to create image IDs respectively assigned to said plurality of images (Fig. 1; page 9, lines 22-26; page 12, lines 16-21), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30),

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media (120) (Fig. 1; page 15, lines 9-14) to be delivered to a user in accordance with the user's instruction (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 9), and

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (page 18, line 26 to page 19, line 9), the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user (page 17, line 30 to page 18, line 4).

E. Claim 21

Independent claim 21 recites a capturing device (20), comprising:

a capturing unit operable to capture a plurality of images of an object (page 9, lines 14-16); and

a controller operable to control said capturing device (page 9, lines 16-18) and to control a communication device (30) capable of being connected to said capturing device to wirelessly communicate with an external apparatus (page 9, lines 21-26), wherein

said controller is programmed to automatically determine when an image transmitting condition is met without a user of the capturing device inputting a transmission command and without receiving an external instruction that the condition is met, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6),

wherein the external apparatus (10) is adapted to automatically store said plurality of images captured and transmitted by a plurality of capturing devices and to create image IDs respectively assigned to said plurality of images (Fig. 1; page 9, lines 22-26; page 12, lines 16-21), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30),

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media (120) (Fig. 1; page 15, lines 9-14) to be delivered to a user in accordance

with the user's instruction (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 19), and

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (page 18, line 26 to page 19, line 9), the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user (page 17, line 30 to page 18, line 4).

F. Claim 28

Independent claim 28 recites a delivery-medium producing method for automatically recording a plurality of image captured by a plurality of digital cameras (20), comprising:

using each of a plurality of digital cameras (20) to automatically determine when respective image transmitting conditions are met without the user inputting a transmission command, the digital cameras being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6);

in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6);

receiving at the delivery-medium producing site the images automatically transmitted from the plurality of digital cameras by means of an image receiving unit (60) (Fig. 1; page 11, lines 10-11);

keeping said received images at the delivery-medium producing site by recording said received images in an image keeping apparatus (170) (Fig. 1; page 12, lines 16-19);

creating at the delivery-medium producing site image IDs respectively assigned to said received images (page 12, lines 18-21), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30);

recording one or more images of the kept images onto a recording medium (120) (Fig. 1; page 15, lines 9-14) to be delivered to a user of the digital camera in accordance with the user's instructions (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 9);

receiving at the delivery-medium producing site from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (page 18, line 26 to page 19, line 9), the extra-printing request causing the delivery-medium producing site to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user (page 17, line 30 to page 18, line 4); and

delivering said recording medium to a place specified by the user of the digital camera responsible for capturing the one or more images recorded on the recording medium (page 18, lines 7-9).

G. Claim 29

Dependent claim 29 recites the delivery-medium producing method as claimed in claim 28, wherein at least one of said plurality of digital cameras transmits an image to the delivery-medium producing site via a phone (30) (Fig. 1; page 9, lines 22-26) capable of being connected to said at least one of the digital cameras via a wire or wirelessly (page 9, lines 20-22; page 22, line 32 to page 33, line 2; claim 29 as originally filed).

H. Claim 31

Independent claim 31 recites a delivery-medium producing method for automatically recording a plurality of images captured by a plurality of digital cameras (20), comprising:

using each of a plurality of digital cameras to automatically determine when respective image transmitting conditions are met without the user inputting a transmission command, the digital cameras being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6);

in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site (page 9, line 29 to page 10, line 6; page 10, line 26 to page 11, line 6);

receiving at the delivery-medium producing site the images automatically transmitted from the plurality of digital cameras by means of an image receiving unit (60) (Fig. 1; page 11, lines 10-11);

keeping said received images at the delivery-medium producing site by recording said received images in an image keeping apparatus (170) (Fig. 1; page 12, lines 16-19);

creating at the delivery-medium producing site image IDs respectively assigned to said received images (page 12, lines 18-21), each of said image IDs being linked to a predetermined web page on the Internet (page 18, lines 27-30);

recording one or more of the kept images onto recording media (120) (Fig. 1; page 15, lines 9-14) to be delivered to users of the digital camera in accordance with the users' instructions (page 17, lines 10-18), said one or more recording media including a printed photograph (page 17, line 30 to page 18, line 9);

receiving at the delivery-medium producing site from at least one of the users via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page (page 18, line 26 to page 19, line 9), the extra-printing request causing the delivery-medium producing site to produce an extra-printed photograph specified by said extra-printing request to be delivered to the at least one of the users (page 17, line 30 to page 18, line 4);

delivering said recording media to places specified by the users of said digital cameras (page 18, lines 7-9);

receiving at the delivery-medium producing apparatus designations of payment modes made by said users (page 20, lines 7-8); and

charging said users for required costs in accordance with said specified payment modes (page 20, lines 8-29).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Claims 1-14, 28, 36, 42, 43, 48, 51, and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,666,215 to Fredlund et al. (hereafter “Fredlund”) in view of U.S. Patent No. 6,750,902 to Steinberg et al. (hereafter “Steinberg”).
- B. Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fredlund in view of Steinberg, and further in view of U.S. Patent No. 5,737,491 to Allen et al (hereafter “Allen”).
- C. Claims 31-34, 49, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fredlund in view of Steinberg, and further in view of Japanese Patent Publication 10078918 to Enomoto et al (hereafter “Enomoto”).
- D. Claims 15-17, 44, 45, 52, 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Enomoto in view of Steinberg and Fredlund.
- E. Claims 18-27, 37-40, 46, 47, 54, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Steinberg and Fredlund.

The rejections of claims 1-29, 31-34, 36-40, 42-49, and 51-57 are being appealed.

## **VII. ARGUMENT**

- A. Claims 1-14, 28, 29, 36, 42, 43, 48, 51, and 56 are patentable over the combination of Fredlund and Steinberg because the combination fails disclose each and every claimed element:

Independent claim 1 recites, *inter alia*, the following limitations:

one or more digital cameras for capturing a plurality of images; and  
 a delivery-medium producing apparatus for automatically recording the plurality of images...,

wherein the delivery-medium producing apparatus includes:

...

an image keeping apparatus configured to keep said plurality of images...and to create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,

a delivery-medium recording unit configured to record said plurality of images onto one or more recording media..., said one or more recording media including a printed photograph, and

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph...to be delivered to the user...

(emphasis added). Independent claim 28 recites similar limitations as part of a method. Fredlund and Steinberg, when considered separately or in obvious combination, fail to teach or suggest every claim limitation at least for the reasons that follow.

1. Fredlund/Steinberg does not teach or suggest assigning image IDs to respective images where each ID is linked to a predetermined web page on the Internet:

Independent claims 1 and 28 require that a delivery-medium producing apparatus/site receive a plurality of images from the digital camera(s), and create image IDs respectively assigned to the received images, each of the image IDs being linked to a predetermined web page. These claims further require that the delivery-medium producing apparatus/site receive an extra-printing request via the Internet, the request including at least one of the image IDs linked to the predetermined web page. Fredlund and Steinberg fail to teach or suggest such features when considered separately or in obvious combination.

In the Office Action dated November 5, 2009 (simply referred to hereafter as “Office Action”), the Examiner acknowledges that Fredlund fails to disclose the aforementioned

limitations and, thus, imports the teachings of Steinberg in an attempt to remedy this deficiency<sup>1</sup>. Particularly, the Examiner asserts that:

Further still, Steinberg discloses the feature of providing each image with an Image ID as part of the image data (see at least Col. 8 Lines 46-56; Col. 12 Lines 57-60). Steinberg further discloses that this data is to be used to determine the distribution of the images to other remote locations, such as on the web, or email (Col. 12 Lines 36-43). As a result, Steinberg discloses that by providing an image ID it would allow for the automatic distribution of images (Col. 12 Lines 36-43).<sup>2</sup>

However, none of the passages in Steinberg cited by the Examiner, nor any other portion of Steinberg, teaches or even suggests linking each of the assigned image IDs to a particular web page on the Internet as claimed. At most, Steinberg simply teaches that image data can be distributed to various locations, which may include the web or email. However, the mere distribution of an image ID to a web page is not the same as linking the image ID to the web page. Here, the term “linking” has an established meaning when used in reference to a web page on the Internet. Thus, persons of ordinary skill in the art would understand that the claimed “linking each of the assigned image IDs to a predetermined web page” means providing a clickable link for each image ID on the web page. This is supported in the original specification in the paragraph bridging pages 18-19 (“In this case, the user can easily send...the delivery-medium producing apparatus 10 the extra-printing request...by clicking the image ID of the requested image”; emphasis added).

The Examiner has failed to point out any teaching or suggestion in Steinberg (or any of the other applied references) of providing a link for each of a plurality of image IDs on a predetermined webpage on the Internet.

2. Fredlund/Steinberg does not teach or suggest delivering a printed photograph to user, and then receiving a request for an extra-printed photograph via the Internet:

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<sup>1</sup> See Office Action at page 3, second-to-last paragraph, through page 4, 1<sup>st</sup> paragraph.

<sup>2</sup> Office Action at paragraph bridging pages 4-5.

Independent claims 1 and 28 further require that the delivery-medium producing apparatus/site records at least one of the images onto a printed photograph which is delivered to the user. Also, these claims require the delivery-medium producing apparatus/site to receive via the Internet an extra-printing request from the user including one of the assigned image IDs, and to deliver an extra-printed photograph to the user in response to the extra-printing request.

Since the claims recite an extra-printed photograph, this means that the claimed invention requires the extra-printing request to include an image ID of an image that was originally delivered to the user as a printed photograph. Many times, people would rather review a captured image as printed matter, rather than as image data displayed on a screen. However, it can be particularly burdensome for a user to print out a captured image at home, e.g., using a personal computer and personal printer. Accordingly, the claimed invention provides for delivering a printed photograph of the captured image to the user for review before requesting extra prints of the photograph via the Internet.

Fredlund and Steinberg do not teach or suggest the aforementioned claimed features. In the Office Action, the Examiner asserts that Fredlund teaches these features<sup>3</sup>. For instance, the Examiner cites to col. 3, lines 32-42 as teaching “an extra-printing request unit configured to receive from the user via the Internet an extra-printing request, the extra-printing request causing the delivery-medium producing apparatus to produce the extra-printed photograph specified by said extra-printing request to be delivered to the user”<sup>4</sup>. However, this section of Fredlund refers to an embodiment in which:

A text printer 27 connected to the computer 26 [at the photo processing lab 14] prints out a bill and instructions 29 for the customer on how to order reprints and other image related services. The prints 22, film 28 and instructions 29 are returned to the customer for example by mail, or to a photo retailer where they are picked up by the customer.<sup>5</sup>

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<sup>3</sup> See Office Action at page 3. The Examiner cites to col. 2, lines 42-52 and col. 7, lines 18-26 of Fredlund as allegedly teaching “one or more recording media including a printed photograph.” Further, the Examiner cites to col. 2, lines 45-56 and col. 3, lines 32-42 of Fredlund as allegedly teaching the claimed “extra-printing request unit.”

<sup>4</sup> Office Action at page 3, 2<sup>nd</sup> paragraph.

<sup>5</sup> Fredlund at col. 3, lines 36-41; emphasis added.

Even assuming *arguendo* that such ordering of re-prints could be interpreted as an extra-printing request, there is no teaching or suggestion in this embodiment of Fredlund that the customer can issue such request via the Internet, as claimed. Instead, this embodiment strongly suggests that the customer would need to request the re-prints by mailing an order form to the photo processing lab, or by taking the order form to a photo retailer or other intermediary.

It is noted that Fredlund teaches a separate embodiment in which after the photo processing lab scans the exposed film to obtain image data, the photo processing lab transmits the image data to a customer's personal computer or interactive video system via a communication channel<sup>6</sup>. According to this embodiment, a computer program is executed on the customer's personal computer or video system<sup>7</sup> to display the digital image data<sup>8</sup>, and allow the customer to select and modify digital images to be printed at the photo processing lab and delivered to the customer<sup>9</sup>. However, these teachings in Fredlund are specific to an embodiment where the computer program only allows the customer to order prints of images which were delivered as digital image data, not printed photographs. Fredlund does not teach or suggest using this computer program to request or order extra prints of a printed photograph which has already been delivered to the user, as required by the claims.

In view of the foregoing, neither of the alternative embodiments of Fredlund teaches or suggests a delivery-medium producing apparatus/site delivering an image to a customer as a printed photograph, and allowing the customer to order an extra-print of the photograph via the Internet. Further, there is no teaching or suggestion in Steinberg of the aforementioned claim features, nor is there any assertion by the Examiner that Steinberg teaches or suggest such features.

Since the Examiner has failed to provide a teaching or suggestion of every claimed element, a *prima facie* case of obviousness has not been established with respect to independent claims 1 and 28. Therefore, the rejection of claims 1 and 28 should be overturned, and these

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<sup>6</sup> See *id.* at col. 4, lines 36 *et seq.*

<sup>7</sup> See *id.* at col. 4, lines 54-56.

<sup>8</sup> See *id.* at col. 5, lines 14-31.

<sup>9</sup> See *id.* at col. 5, line 44 to col. 6, line 27.

claims should be allowed. Further, claims 2-14, 29, 36, 42, 43, 48, 51, and 56 should be allowed at least by virtue of their dependency on allowable independent claims 1 and 28.

B. Claim 29 is patentable over the combination of Fredlund, Steinberg, and Allen because the combination fails to disclose each and every claimed element:

Claim 29 depends from independent claim 28 and is patentable over Fredlund and Steinberg at least for reasons set forth above. Further, Allen neither remedies the deficiencies of Fredlund and Steinberg set forth above, nor is asserted by the Examiner to remedy such deficiencies of Fredlund and Steinberg.

Additionally, claim 29 requires that “at least one of said plurality of digital cameras transmits an image to the delivery-medium producing site via a phone capable of being connected to said at least one of the digital cameras via a wire or wirelessly.” The Examiner admits that Fredlund and Steinberg do not teach or suggest transmitting digital images via a phone<sup>10</sup>. To remedy this deficiency, the Examiner asserts the following:

However, Allen teaches a method of transmitting images taken by a digital camera that is wirelessly connected to a cellular phone to a specified location so that images can be transmitted at any time as well as freeing up storage space on the camera when needed or to a magazine’s photo editor (Column 1 Lines 60-65, Column 3 Lines 5-9, Column 2, Lines 1-5, Claim 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of Allen to modify the combination of Fredlund and Steinberg to include a method of transmitting images to a specified location via a cellular phone.<sup>11</sup>

However, in the Office Action, the Examiner offers no guidance as to how the Fredlund/Steinberg system could be modified in view of Allen to come up with the claimed invention. To establish a *prima facie* case of obviousness, the Examiner cannot merely cite to isolated teachings in the prior art without explaining how they could be combined to come up with the claimed invention. See *Ex parte Re Qua*, 56 USPQ 279, 280 (BPAI 1942), where the Board reversed the Examiner’s § 103 rejection because “[t]here is no suggestion in any of the

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<sup>10</sup> See Office Action at page 16, 3<sup>rd</sup> paragraph.

<sup>11</sup> *Id.* at 4<sup>th</sup> through 5<sup>th</sup> paragraphs.

combined patents as to how the features of their respective devices could be combined so as to meet the structure claimed.” As such, a *prima facie* case of obviousness requires some explanation as to how the prior art teachings could be combined to meet the claimed invention, without using the claims themselves as a template.

Allen discloses a digital camera 10 having a transceiver 32 for transmitting digital images to an image fulfillment center 34<sup>12</sup>. Allen teaches that the transceiver “is a wireless communication system such as a cellular telephone or a digital wireless communication system such as the personal handy phone system (HPS)”<sup>13</sup>. The only apparent way of modifying Fredlund/Steinberg to incorporate Allen’s teachings would be to replace Steinberg’s communication device 10/180 with the cellular phone or HPS. However, the Examiner is already relying on Steinberg’s communication device 10/180 to teach other limitations of independent claim 28 from which claim 29 depends.

In rejecting independent claim 28, it is clear that the Examiner is relying on Steinberg’s disclosure of communication device 10/180 to teach the claimed limitations of “using the digital cameras to automatically determine when respective image transmitting conditions are met without the user inputting a transmission command, the digital cameras being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met,” and “in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site”<sup>14</sup>. In Steinberg, it is the communication device 10 which is disclosed as being programmable to determine when storage data is full or partially full in the camera 12, and to automatically download image data to the destination in response to such determination<sup>15</sup>.

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<sup>12</sup> See Allen at Fig. 1; col. 2, lines 46-51.

<sup>13</sup> *Id.* at col. 3, lines 5-8.

<sup>14</sup> See Office Action at page 11, second-to-last paragraph, through page 13, 1st paragraph.

<sup>15</sup> See Steinberg at col. 5, lines 10-37, describing a programmable communication device 10. To meet the claimed limitation of a digital camera being programmed to automatically determine when to transmit, the Examiner cites to col. 9, lines 28-30 and Fig. 9 of Steinberg, which describe an embodiment in which the communication device is integrated as element 180 within the digital camera 182.

However, as mentioned above, the only apparent way of incorporating Allen's disclosed phone into Fredlund/Steinberg would be to replace Steinberg's communication device 10/180 with Allen's transceiver (cellular phone or HPS) 32<sup>16</sup>. As a result, the Fredlund/Steinberg/Allen invention would no longer meet the limitations in claim 28 of "using the digital cameras to automatically determine when respective image transmitting conditions are met..., the digital cameras being programmed to determine when the respective conditions are met without receiving external instructions..., and "in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site."

Therefore, the Examiner has failed to show that it would have been obvious to modify Fredlund/Steinberg to incorporate Allen's teachings in such a manner that would teach or suggest every limitation of claim 29. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 29 for this additional reason.

C+D. Claims 15-17, 31-34, 44, 45, 49, 52, 53, and 57 are patentable over the combination of Enomoto, Steinberg, and Fredlund because this combination fails to disclose each and every claimed element:

Independent claims 15 and 17 each recite, *inter alia*, the limitations set forth above as patentably distinguishing independent claim 1 over Fredlund and Steinberg. Such combination of features also patentably distinguishes claims 15 and 17 over Enomoto, Steinberg, and Fredlund at least for the reasons that follow. Independent claim 31 recites similar subject matter as independent claim 17 in method format. Thus, claim 31 contains similar limitations as those identified below as patentably distinguishing claims 15 and 17 over Enomoto, Steinberg and Fredlund.

- a. No teaching or suggestion in the cited prior art of assigning image IDs to respective images each of which are linked to a predetermined web page on the Internet:

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<sup>16</sup> Please note that the Examiner has provided no other explanation as to how Allen's teachings could be incorporated into Fredlund/Steinberg.

Independent claims 15, 17, and 31 require that a delivery-medium producing apparatus/site create image IDs respectively assigned to a plurality of received images, each of the image IDs being linked to a predetermined web page. These claims further require that the delivery-medium producing apparatus/site receive an extra-printing request via the Internet, the request including at least one of the image IDs linked to the predetermined web page. Enomoto and Steinberg fail to teach or suggest such features when considered separately or in obvious combination.

In the Office Action, the Examiner acknowledges that Enomoto fails to disclose the aforementioned limitations and, thus, imports the teachings of Steinberg in an attempt to remedy this deficiency<sup>17</sup>. Specifically, the Examiner cites to the same portions of Steinberg, and applies the same rationale, as utilized in rejecting independent claim 1<sup>18</sup>. Thus, for the same reasons discussed above in connection with claim 1<sup>19</sup>, Appellants submit that the Steinberg fails to teach or suggest linking (as the term is understood in the relevant art) each of the assigned image IDs to a predetermined web page on the Internet. Furthermore, Fredlund fails to provide any teaching or suggestion to remedy such deficiency in Enomoto/Steinberg.

- b. No teaching or suggestion in the cited prior art of delivering a printed photograph to the user, and then receiving a request for an extra-printed photograph from the user via the Internet:

Independent claims 15, 17, and 31 require the delivery-medium producing apparatus/site to record at least one of the images onto a printed photograph which is delivered to the user. Also, these claims require the delivery-medium producing apparatus to receive via the Internet an extra-printing request from the user including one of the assigned image IDs, and deliver an extra-printed photograph to the user in response to the extra-printing request.

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<sup>17</sup> See Office Action at page 21, second-to-last paragraph, through page 22, 1<sup>st</sup> paragraph.

<sup>18</sup> See Office Action at page 22, last paragraph, through page 24, 1<sup>st</sup> paragraph; compare with page 4, last paragraph, through page 6, 1<sup>st</sup> paragraph.

<sup>19</sup> See *supra* at section VII.A.1, pages 13-14.

As mentioned above in connection with independent claim 1, the aforementioned limitations require the extra-printing request to include an image ID of an image that was originally delivered to the user as a printed photograph<sup>20</sup>.

The Examiner admits that the combination of Enomoto and Steinberg fail to disclose the claimed extra-printing request unit<sup>21</sup>. To remedy this deficiency, the Examiner cites to Fredlund as disclosing that “it is old and well known to request an extra-printing of images (re-ordering)”<sup>22</sup>. However, as argued above in connection with independent claim 1, neither of the alternative embodiments in Fredlund provides for a user to receive a printed photograph of an image from the delivery-medium producing apparatus, and then to request via the Internet delivery of an extra-printed photograph of such image<sup>23</sup>.

Thus, Fredlund does not remedy the deficiencies of Enomoto and Steinberg with respect to the delivery of an extra-printed photograph in response to receiving an extra-printing request, as claimed. For this additional reason, Enomoto, Steinberg, and Fredlund fail to teach or suggest every claimed limitation.

Since the Examiner has failed to provide a teaching or suggestion of every claimed element, a *prima facie* case of obviousness has not been established with respect to independent claims 15, 17, and 31. Therefore, the rejection of claims 15, 17, and 31 should be overturned, and these claims should be allowed. Further, claims 16, 32-34, 44, 45, 49, 52, 53, and 57 should be allowed at least by virtue of their dependency on allowable independent claims 15, 17, and 31.

E. Claims 18-27, 37-40, 46, 47, 54, and 55 are patentable over the combination of Allen, Steinberg, and Fredlund because this combination is improper under § 103 and this combination fails to disclose each and every claimed element:

1. Independent claim 18:

Independent claim 18 recites, *inter alia*, the following limitations:

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<sup>20</sup> See *supra* at page 14, second-to-last paragraph.

<sup>21</sup> See Office Action at page 29, 2<sup>nd</sup> through 4<sup>th</sup> paragraphs.

<sup>22</sup> See Office Action at page 29, 5<sup>th</sup> paragraph.

<sup>23</sup> See *supra* at section VII.A.2, pages 14-16.

a connection-detecting module operable to detect connection between said digital camera and [a mobile] phone;

...

a transmitting module programmed to automatically determine when an image transmitting condition is met without a user of the digital camera inputting a transmission command and without the digital camera receiving external data indicating that the condition is met, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said mobile phone to an external apparatus for storage in response to said determination,

wherein the external apparatus is adapted to...create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media..., said one or more recording media including a printed photograph, and

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the external apparatus to produce an extra-printed photograph...to be delivered to the user

(emphasis added). As such, claim 18 recites similar limitations as recited in dependent claim 29, where the “external apparatus” of claim 18 is analogous to the “delivery-medium site” of claim 29.

- a. Examiner’s proposed modification of Allen would change its principle of operation and render it unsatisfactory for its intended purpose:

In this rejection, it is clear that the Examiner is attempting to support his conclusion of obviousness utilizing the rationale that there is a teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill in the art to modify a prior art reference (Allen) in view of the teachings of other prior art (Steinberg) to arrive at the claimed invention<sup>24</sup>. Section 2143.01 in the MPEP discusses various requirements of U.S. case law for applying such rationale. For instance, MPEP § 2143.01.V sets forth the following:

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<sup>24</sup> See Office Action at page 34, 2<sup>nd</sup> paragraph.

If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Furthermore, MPEP § 2143.01.VI, states:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

The intended purpose of Allen's invention is to provide a photographer "easy control over the fast delivery of digital images in the field" to an image fulfillment server"<sup>25</sup>. The way Allen achieves this goal is to allow the photographer to issue voice commands to the digital camera 10 to transmit the captured images to the image fulfillment server 34 when desired<sup>26</sup>.

However, the Examiner proposes to modify Allen in view of Steinberg to automatically determine when an image transmitting condition is met without a user inputting a transmission command, and automatically transmit the images in response to such determination<sup>27</sup>. This changes a major principle of operation in Allen, which is to use voice commands to control when the images are to be transmitted from the camera. Also, this would render Allen to be unsatisfactory for its intended purpose of providing fast and easy control of the transmission of images to the photographer. In view of the foregoing, there is no teaching or suggestion to modify Allen in view of Steinberg sufficient to establish a *prima facie* case of obviousness with respect to the claims.

- b. If Allen and Steinberg were combined, the resultant combination would fail to teach or suggest utilizing a mobile phone to transmit images:

In Steinberg, the element which is programmed to automatically determine when an image transmitting condition is met (i.e., image data storage is full or partially full) is the

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<sup>25</sup> See, e.g., Allen at col. 1, lines 57-60.

<sup>26</sup> See *id.* at col. 4, lines 36-54

<sup>27</sup> See Office Action at page 34, 2<sup>nd</sup> paragraph.

communication device 10/180, i.e., the same device responsible for wirelessly transmitting data from the digital camera 12 to the destination device 18 via the network 15<sup>28</sup>. Further, in the Office Action, the Examiner does not explain how Allen and Steinberg could be combined to incorporate the feature of programming a camera to automatically determine when an image transmitting condition is met. Absent such explanation, the only apparent way of combining Allen and Steinberg would be to incorporate Steinberg's communication device 180 into Allen's camera 10. As such, it would not have been obvious to modify Allen to incorporate the functionality of Steinberg's communication device 10 while still using a mobile phone to transmit the images wirelessly to the external apparatus as claimed. Therefore, even assuming *arguendo* that it would have been obvious to combine Allen, Steinberg, and Fredlund as proposed by the Examiner, the resultant combination would still fail to teach or suggest every feature.

- c. No teaching or suggestion in the cited prior art of assigning image IDs to respective images where each ID is linked to a predetermined web page on the Internet:

Independent claim 18 requires the external apparatus to "create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet." The Examiner acknowledges that Allen fails to disclose this claim feature<sup>29</sup>, and relies on Steinberg to remedy this deficiency<sup>30</sup>. However, for reasons discussed above in connection with independent claims 1 and 28<sup>31</sup>, Steinberg does not teach or suggest linking (as the term is understood in the relevant art) each of the assigned image IDs to a predetermined web page on the Internet. Furthermore, Fredlund fails to provide any teaching or suggestion to remedy such deficiency in Allen/Steinberg. Thus, for this additional reason, independent claim 18 patentably distinguishes over Allen, Steinberg, and Fredlund.

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<sup>28</sup> See Steinberg at Fig. 1; col. 5, lines 5-9 and 31-34; col. 8, lines 46-49

<sup>29</sup> See Office Action at page 32, 3<sup>rd</sup> through 4<sup>th</sup> paragraphs.

<sup>30</sup> See *id.* at page 33, 2<sup>nd</sup> paragraph, through page 34, 2<sup>nd</sup> paragraph.

<sup>31</sup> See *supra* at section VII.A.1, pages 13-14.

- d. No teaching or suggestion in the cited prior art of delivering a printed photograph to the user, and then receiving a request for an extra-printed photograph from the user via the Internet:

Independent claim 18 requires that the external apparatus records at least one of the images onto a printed photograph which is delivered to the user. Also, claim 18 requires that the external apparatus receives via the Internet an extra-printing request from the user including one of the assigned image IDs, and delivers an extra-printed photograph to the user in response to the extra-printing request. As discussed above in connection with independent claims 1 and 28, these limitations require the extra-printing request to include an image ID of an image that was originally delivered to the user as a printed photograph<sup>32</sup>.

The Examiner admits that the combination of Allen and Steinberg fail to teach “the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user”<sup>33</sup>. The Examiner imports the teachings of Fredlund to remedy this deficiency<sup>34</sup>. However, as similarly argued above in connection with independent claims 1 and 28<sup>35</sup>, neither of the alternative embodiments in Fredlund provides for a user to receive a printed photograph of an image from the external apparatus, and then request via the Internet delivery of an extra-printed photograph of such image.

Thus, Fredlund does not remedy the deficiencies of Allen and Steinberg with respect to the delivery of an extra-printed photograph in response to receiving an extra-printing request, as claimed. For this additional reason, independent claim 18 patentably distinguishes over Allen, Steinberg, and Fredlund.

2. Independent claim 21:

Independent claim 21 recites similar limitations as those discussed above in connection with independent claim 18, where the “capturing device” and “communication device” of claim

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<sup>32</sup> See *supra* at page 14, second-to-last paragraph.

<sup>33</sup> Office Action at page 35, 2<sup>nd</sup> paragraph through 4<sup>th</sup> paragraph.

<sup>34</sup> See *id.* at 5<sup>th</sup> through 6<sup>th</sup> paragraphs.

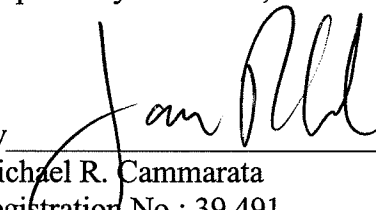
<sup>35</sup> See *supra* at section VII.A.2, pages 14-16.

21 are analogous to the “digital camera” and the “mobile phone” of claim 18, respectively. Thus, claim 21 patentably distinguishes over Allen, Steinberg, and Fredlund for reasons similar to those set forth above in connection with independent claim 18.

At least for the reasons set forth above, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 18 and 21. Therefore, the rejection of claims 18 and 21 should be overturned, and that these claims should be allowed. Further, claims 19, 20, 22-27, 37-40, 46, 47, 54, and 55 are allowable at least by virtue of their dependency on independent claims 18 and 21.

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## VIII. APPENDIX

### CLAIMS

A complete listing of the claims follows.

1. A system comprising:
  - one or more digital cameras for capturing a plurality of images; and
  - a delivery-medium producing apparatus for automatically recording the plurality of images captured by a plurality of digital cameras,wherein the delivery-medium producing apparatus includes:
  - a receiving unit configured to receive the plurality of images via wireless communications with the one or more digital cameras,
  - an image keeping apparatus configured to keep said plurality of images received and recorded by said receiving unit and to create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,
  - a delivery-medium recording unit configured to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph, and
  - an extra-printing request unit configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user,wherein the one or more digital cameras are programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.
2. A system as claimed in claim 1, wherein the delivery-medium producing apparatus

further includes:

another receiving unit operable to receive a negative film; and  
an image converting unit operable to read an image recorded onto said negative film and to convert said read image into a digital image,  
wherein said digital image is kept by said image keeping apparatus and is recorded onto one of said recording media for a corresponding user.

3. A system as claimed in claim 1, wherein  
said plurality of images are automatically transmitted to the receiving unit from a plurality of digital cameras corresponding to a plurality of users, and  
said delivery-medium recording unit records one or more images of said plurality of images onto one of said recording media for one of said users at predetermined intervals.
4. A system as claimed in claim 1, wherein  
said plurality of images are automatically transmitted to the receiving unit from a plurality of digital cameras corresponding to a plurality of users,  
said delivery-medium recording unit records one or more images of said plurality of images when a recording instruction from said one of said users is received.
5. A system as claimed in claim 1, wherein the delivery-medium producing apparatus further includes a database operable to store information related to each of said plurality of images in such a manner that said information corresponds to said each of said plurality of images, wherein  
said delivery-medium recording unit records said plurality of images onto said recording media based on said information in said database.
6. A system as claimed in claim 5, wherein said information includes at least a user ID of said each of said plurality of images that specifies a corresponding user.
7. A system as claimed in claim 6, wherein said information further includes at least one of

a date and a place said each of said plurality of images was captured, and  
said delivery-medium recording unit records said plurality of images after classification of said images based on said at least one of said data and said place.

8. A system as claimed in claim 1, wherein the delivery-medium producing apparatus further includes:

an extra-printing processing unit operable to print an image corresponding to an image ID included in said extra-printing request onto paper in accordance with said extra-printing request.

9. A system as claimed in claim 8, wherein said extra-printing request specifies the quantity and size of the extra-printed photograph.

10. A system as claimed in claim 8, wherein the delivery-medium producing apparatus further includes a database operable to store image IDs respectively assigned to said plurality of images, wherein

said extra-printing request specifies an image to be extra-printed by specifying one of said image IDs that is assigned to said image to be extra-printed, and

said extra-printing processing unit specifies said image to be extra-printed by referring to said database.

11. A system as claimed in claim 10, wherein said recording media stores said image IDs respectively assigned to said images together with said images, to help each of said users to select said image to be extra-printed.

12. A system as claimed in claim 1, wherein

said delivery-medium recording unit records an image to be extra-printed according to the extra-printing request onto a new recording medium.

13. A system as claimed in claim 12, wherein  
the delivery-medium further includes a database operable to store image IDs respectively assigned to said images, wherein  
said extra-printing request specifies said image to be extra-printed by specifying one of said image IDs that is assigned to said image to be extra-printed, and wherein  
said delivery-medium recording unit specifies said image to be extra-printed by referring to said database and records said image thus specified onto said new recording medium.
14. A system as claimed in claim 13, wherein  
said plurality of images are automatically transmitted to the receiving unit from a plurality of digital cameras corresponding to a plurality of users,  
said recording media stores said image IDs respectively assigned to said images together with said images, to help each of said users to select said image to be extra-printed.
15. A system comprising:  
one or more digital cameras for capturing a plurality of images; and  
a delivery-medium producing apparatus for automatically recording the plurality of images captured by a plurality of digital cameras,  
wherein the delivery-medium producing apparatus includes:  
a receiving unit configured to receive the plurality of images via wireless communications with the one or more digital cameras,  
an image keeping apparatus configured to keep said plurality of images received and recorded by said receiving unit and to create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,  
a delivery-medium recording unit configured to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph,  
a keeping-time monitoring unit configured to monitor a keeping time for each of said plurality of images to determine whether or not said keeping time reaches an end of a

predetermined keeping term, said keeping time being a time that has passed after said each of said plurality of images was recorded in said image keeping apparatus,

a keeping-time notifying unit configured to notify, when said keeping time is determined to reach said end of said predetermined keeping term, a corresponding user of said each of said plurality of images that said predetermined term expired, and

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user,

wherein the one or more digital cameras are programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

16. A system as claimed in claim 15, wherein said image keeping apparatus deletes one of said plurality of images for which said predetermined keeping term expired, if no user's instruction is received from said corresponding user within a predetermined waiting time period after the notification.

17. A system comprising:

one or more digital cameras for capturing a plurality of images; and  
a delivery-medium producing apparatus for automatically recording the plurality of images captured by a plurality of digital cameras,

wherein the delivery-medium producing apparatus includes:

a receiving unit configured to receive the plurality of images via wireless communications with the one or more digital cameras,

an image keeping apparatus configured to keep said plurality of images received and recorded by said receiving unit and to create image IDs respectively assigned to said

plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,

a delivery-medium recording unit configured to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph,

a payment-mode receiving unit configured to receive an instruction specifying a payment mode from each of one or more users of the one or more digital cameras,

a payment processing unit operable to indirectly charge each of said one or more users in accordance with said specified payment mode, and

an extra-printing request unit configured to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user,

wherein the one or more digital cameras are programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

18. A computer-readable medium storing thereon a program for use in a digital camera capable of being connected to a mobile phone, comprising:

a connection-detecting module operable to detect connection between said digital camera and said phone;

a calling module operable to make said mobile phone call a predetermined number after the connection is detected;

a transmitting module programmed to automatically determine when an image transmitting condition is met without a user of the digital camera inputting a transmission command and without the digital camera receiving external data indicating that the condition is met, and to make said digital camera automatically transmit a plurality of images captured by

said digital camera via said mobile phone to an external apparatus for storage in response to the determination,

wherein the external apparatus is adapted to automatically store said plurality of images captured and transmitted by a plurality of digital cameras and to create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph, and

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user.

19. A computer-readable medium as claimed in claim 18, wherein said digital camera is connected to said phone by short-distance radio communication.

20. A computer readable medium as claimed in claim 18, further comprising a monitoring module operable to monitor the number of said one or more images captured by said digital camera to determine whether or not said number reaches a predetermined number, wherein said transmitting module makes said digital camera transmit said one or more images when said monitored number of said one or more images reaches said predetermined number.

21. A capturing device, comprising:  
a capturing unit operable to capture a plurality of images of an object; and  
a controller operable to control said capturing device and to control a communication device capable of being connected to said capturing device to wirelessly communicate with an external apparatus, wherein  
said controller is programmed to automatically determine when an image transmitting condition is met without a user of the capturing device inputting a transmission command and

without receiving an external instruction that the condition is met, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination,

wherein the external apparatus is adapted to automatically store said plurality of images captured and transmitted by a plurality of capturing devices and to create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet,

wherein the external apparatus is adapted to record said plurality of images onto one or more recording media to be delivered to a user in accordance with the user's instruction, said one or more recording media including a printed photograph, and

wherein the external apparatus is adapted to receive from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the external apparatus to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user.

22. A capturing device as claimed in claim 21, wherein said capturing device stores a program to be executed by said controller, and

said capturing unit transmits said image to said external apparatus in accordance with said program.

23. A capturing device as claimed in claim 22, wherein said capturing device is operable to store said captured image,

said controller of said capturing unit determines whether or not the number of stored images reaches a predetermined number, and

said transmission is performed in accordance with said program when said number of said images reaches said predetermined number.

24. A capturing device as claimed in claim 22, wherein said controller determines whether or not a predetermined time period has passed after said image was captured, and

said transmission is performed in accordance with said program when said predetermined

time period has passed after said image was captured.

25. A capturing device as claimed in claim 22, further comprising a unit operable to receive a user's instruction to allow an image to be transmitted manually.

26. A capturing device as claimed in claim 25, further comprising a display operable to display captured images to allow said user to select which image is to be transmitted manually to said external apparatus.

27. A capturing device as claimed in claim 21, wherein said communicating device is formed integrally with said capturing device as a single device.

28. A delivery-medium producing method for automatically recording a plurality of images captured by a plurality of digital cameras, comprising:

using each of a plurality of digital cameras to automatically determine when respective image transmitting conditions are met without the user inputting a transmission command, the digital cameras being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met;

in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site;

receiving at the delivery-medium producing site the images automatically transmitted from the plurality of digital cameras by means of an image receiving unit;

keeping said received images at the delivery-medium producing site by recording said received images in an image keeping apparatus;

creating at the delivery-medium producing site image IDs respectively assigned to said received images, each of said image IDs being linked to a predetermined web page on the Internet;

recording one or more images of the kept images onto a recording medium to be delivered to a user of the digital camera in accordance with the user's instructions, said one or

more recording media including a printed photograph;

receiving at the delivery-medium producing site from the user via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing site to produce an extra-printed photograph specified by said extra-printing request to be delivered to the user; and

delivering said recording medium to a place specified by the user of the digital camera responsible for capturing the one or more images recorded on the recording medium.

29. A delivery-medium producing method as claimed in claim 28, wherein at least one of said plurality of digital cameras transmits an image to the delivery-medium producing site via a phone capable of being connected to said at least one of the digital cameras via a wire or wirelessly.

30. (Canceled)

31. A delivery-medium producing method for automatically recording a plurality of images captured by a plurality of digital cameras, comprising:

using each of a plurality of digital cameras to automatically determine when respective image transmitting conditions are met without the user inputting a transmission command, the digital cameras being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met;

in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site;

receiving at the delivery-medium producing site the images automatically transmitted from the plurality of digital cameras by means of an image receiving unit;

keeping said received images at the delivery-medium producing site by recording said received images in an image keeping apparatus;

creating at the delivery-medium producing site image IDs respectively assigned to said received images, each of said image IDs being linked to a predetermined web page on the

Internet;

recording one or more of the kept images onto recording media to be delivered to users of the digital camera in accordance with the users' instructions, said one or more recording media including a printed photograph;

receiving at the delivery-medium producing site from at least one of the users via the Internet an extra-printing request which includes at least one of said image IDs linked to the predetermined web page, the extra-printing request causing the delivery-medium producing site to produce an extra-printed photograph specified by said extra-printing request to be delivered to the at least one of the users;

delivering said recording media to places specified by the users of said digital cameras; receiving at the delivery-medium producing apparatus designations of payment modes made by said users; and

charging said users for required costs in accordance with said specified payment modes.

32. A delivery-medium producing method as claimed in claim 31, wherein each of said users is allowed to designate that payment of the required cost will be made in cash when said user receives said recording medium delivered to said user's specified place.

33. A delivery-medium producing method as claimed in claim 31, wherein each user is allowed to designate at least charging via a bank or via a credit service company as said payment mode.

34. A delivery-medium producing method as claimed in claim 33, wherein, said plurality of images are images transmitted via a phone connected to said digital cameras, and said users are allowed to designate charging via a telephone company as said payment mode.

35. (Canceled)

36. A delivery-medium producing apparatus as claimed in claim 1, wherein said image transmitting condition is based on at least one of a shot date and a number of captured images.

37. A computer-readable medium as claimed in claim 18, wherein each of said plurality of images are captured and stored in the digital camera.

38. A computer-readable medium as claimed in claim 18, wherein said transmitting module transmits said plurality of images in accordance with at least one of a shot date and a number of captured images.

39. A capturing device as claimed in claim 21, wherein each of said plurality of images are captured and stored in a digital camera.

40. A capturing device as claimed in claim 21, wherein said plurality of images are transmitted in accordance with at least one of a shot date and a number of captured images.

41. (Canceled)

42. A delivery-medium producing method as claimed in claim 28, wherein, for at least one of the digital cameras, the respective image transmitting condition is based on at least one of a shot date and a number of captured images.

43. A delivery-medium producing apparatus as claimed in claim 1, wherein said delivery-medium recording unit automatically records an image in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

44. A delivery-medium producing apparatus as claimed in claim 15, wherein said delivery-medium recording unit automatically records an image in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

45. A delivery-medium producing apparatus as claimed in claim 17, wherein said delivery-medium recording unit automatically records an image in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

46. A computer-readable medium as claimed in claim 18, wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

47. A capturing device as claimed in claim 21, wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

48. A delivery-medium producing method as claimed in claim 28, wherein said method automatically records an image onto the recording medium in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

49. A delivery-medium producing method as claimed in claim 31, wherein said method automatically records an image onto one of the recording media in accordance with at least one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals.

50. (Canceled)

51. The system as claimed in claim 1, wherein

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

52. The system as claimed in claim 15, wherein

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

53. The system as claimed in claim 17, wherein

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

54. The device as claimed in claim 18, wherein

said external apparatus determines whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said external apparatus decides to record a subsequently captured one of said plurality of images on a same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said external apparatus decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

55. The device as claimed in claim 21, wherein

said external apparatus decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said external apparatus decides to record a subsequently captured one of said plurality of images on a same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said external apparatus decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

56. The method as claimed in claim 28, wherein

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said recording step decides to record a subsequently captured one of said received images on the same recording medium as a previously captured one of said received images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said recording step decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

57. The method as claimed in claim 31, wherein

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said recording step decides to record a subsequently captured one of said received images on the same recording medium as a previously captured one of said received images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said recording step decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

**EVIDENCE**

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

**RELATED CASES**

No related proceedings are referenced, hence copies of decisions in related proceedings are not provided.